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>>> "Rudy Serra" <rudy.serra@sbcglobal.net> 6/10/2009 11:33 AM >>>

I continue to believe that a standard based upon the possible appearance of impropriety is appropriate. To argue that as long as a campaign contribution is legal, a judge must participate in a case involving the contributor defies reality. A saint would be hard-pressed to disregard the fact that one litigant gave them a huge donation while the other gave nothing. Most of our judges are not saints. The issue must be analyzed from the objective view-point of a disinterested third party. If such a third party (i.e. the public in general) would probably suspect that the contribution had an influence in the decision-making process – then the judge should be disqualified. In the long run, we need to revise the judicial selection process so that campaign contributions are eliminated or their impact is minimized. This can be done through an appointment process such as the Federal Courts use, or by imposing spending limits (i.e. limits on the campaigns – not limits on the contributors) or through public financing. Until such a reform is completed, judicial disqualification should occur when the appearance of impropriety is present.

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Former District Judge